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14 *Attorneys for Defendants Tesla, Inc., Elon Musk,*

15 *Brad W. Buss, Robyn Denholm, Ira Ehrenpreis,*

16 *Antonio J. Gracias, James Murdoch, Kimbal Musk,*

And Linda Johnson Rice

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA

19
20 IN RE TESLA, INC. SECURITIES
21 LITIGATION

Case No. 3:18-cv-04865-EMC

22 **[PROPOSED] ORDER DENYING**
23 **PLAINTIFF'S MOTION FOR**
24 **JUDGMENT AS A MATTER OF LAW**
25 **OR IN THE ALTERNATIVE A NEW**
26 **TRIAL**
27
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1 THE COURT, having considered Plaintiff's Motion for Judgment as a Matter of Law or in
2 the Alternative a New Trial ("Motion"), the opposition thereto filed by Defendants Tesla, Inc.,
3 Elon Musk, Brad W. Buss, Robyn Denholm, Ira Ehrenpreis, Antonio J. Gracias, James Murdoch,
4 Kimbal Musk, and Linda Johnson Rice, and all other filings in this case, has found:

5 (1) Plaintiff did not move under Rule 50(b) on all elements of his Rule 10b-5 claim and therefore
6 Plaintiff's motion for judgment as a matter of law must be denied.

7 (2) Even if the Court could entertain Plaintiff's motion for judgment as a matter of law, Plaintiff's
8 Motion should still be denied because the record shows that there is substantial evidence
9 supporting the jury's verdict.

10 (3) Plaintiff's Motion must be denied as to his Rule 10b-5 claim against Tesla and his Section 20
11 claim against Director Defendants Buss, Denholm, Ehrenpreis, Gracias, Murdoch, Kimbal
12 Musk, and Johnson Rice because he failed to move on these specific claims against them.

13 (4) Plaintiff's request for a new trial must also be denied. Plaintiff did not move for a new trial as
14 to liability, and his request for a new trial on damages should be denied because (a) the Court
15 denies Plaintiff's motion for judgment as a matter of law, and therefore Plaintiff's motion for
16 a new trial on damages is moot, and (b) even if Plaintiff's motion for a new trial on damages
17 were not moot, the Court concludes it did not commit instructional error and any purported
18 errors were harmless.

19 **THE COURT HEREBY ORDERS THAT:**

20 Plaintiff's Motion is **DENIED**.

21 **IT IS SO ORDERED.**

22 DATED: , 2023
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24

25 By _____
26 Honorable Edward M. Chen
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